

ZONING

TITLE 17
ENFORCEMENT AND PENALTIES

SUBTITLE 1. ACTION BY ADMINISTRATOR

§ 17-101. Notice of violation.

(a) *In general.*

Whenever the Zoning Administrator learns of a violation of this article and does not resolve it informally and promptly, the Zoning Administrator must issue a written notice to:

- (1) the owner of record of the property, as shown on the tax records of Baltimore City; and
- (2) any other person against whom the Zoning Administrator intends to proceed for the violation.

(b) *Contents.*

The notice must:

- (1) specify the nature of the violation; and
- (2) cite the provisions of this article that have been violated.

(c) *How served.*

All notices must be served by:

- (1) first class mail; or
- (2) personal service by an authorized representative of the City, which service must be certified on the records of the Zoning Administrator.

§ 17-102. Documentation of violations in certain zones.

The Zoning Administrator may issue a written notice in accordance with § 17-101 {“Notice of violation”} of this subtitle on receipt of 2 or more separate statements that:

- (1) describe an unauthorized activity or use in a Residential, Office-Residential, B-1, B-2, or B-3 District;
- (2) give the date, time, and location at which the violation occurred; and
- (3) are signed by owners or lessees of different properties.

§ 17-103. Compliance with notice required.

On receipt of a notice from the Zoning Administrator, the recipient must immediately take

appropriate steps to correct the violation.

§ 17-104. Proceedings to secure compliance.

If the recipient fails to correct the violation within a reasonable time, the Zoning Administrator may initiate any civil (legal or equitable) or criminal action or proceeding necessary or appropriate to secure compliance with the applicable provisions of this article.

§ 17-105. Abatement certificate.

When compliance is secured, the Zoning Administrator must issue an abatement certificate that certifies compliance.

SUBTITLE 2. ADMINISTRATIVE APPEALS

§ 17-201. Who may appeal.

A decision of the Zoning Administrator, including the issuance a violation notice under Subtitle 1 of this title, may be appealed to the Board by:

- (1) any person aggrieved by the decision; or
- (2) any officer, department, board, or bureau of the City affected by the decision.

§ 17-202. When and how taken.

(a) *When taken.*

The notice of appeal must be filed as follows:

- (1) in the case of a violation notice, within 10 working days of the date the notice was served;
and
- (2) in the case of any other decision, within 10 working days of the date on which notice of the decision was given.

(b) *How taken.*

The notice of appeal:

- (1) must be filed with the Zoning Administrator, in the form that the Board rules require; and
- (2) must specify the grounds for the appeal.

(c) *Transmittal of records.*

On receipt of a notice of appeal, the Zoning Administrator must forthwith transmit to the Board all of the papers that constitute the record of the action appealed from.

§ 17-203. Stay of proceedings.

(a) *Appeal stays proceedings.*

Except as specified in subsection (b) of this section, an appeal stays all proceedings in furtherance of the action appealed from, if it is timely filed and pursued.

(b) *Exception in case of imminent peril.*

If the Zoning Administrator certifies to the Board that, by reason of facts stated in the certification, a stay would, in his or her opinion, cause imminent peril to life or property, the proceedings are not stayed, unless otherwise ordered by the Board or, on application to a court of competent jurisdiction, with notice to the Zoning Administrator, by the court on good cause

shown.

§ 17-204. Decision of Board.

(a) *Board to issue.*

Without unreasonable delay, the Board must render its decision in writing, setting forth its findings of fact and conclusions of law.

(b) *Board powers.*

(1) In exercising its powers of review, the Board:

- (i) may reverse or affirm, wholly or in part, or modify the decision appealed from; and
- (ii) may make any order, requirement, decision, or determination as ought to be made.

(2) For these purposes, the Board has all the powers conferred by this article on the Zoning Administrator.

SUBTITLE 3. JUDICIAL REVIEW

§ 17-301. Final administrative decision.

All decisions and findings of the Board that are made on appeals, on application for conditional uses or variances, and in all other matters on which the Board is required to act after public notice and hearing, are final administrative decisions, subject to judicial review.

§ 17-302. Who may appeal.

A final administrative decision of the Board may be appealed to the Circuit Court for Baltimore City by:

- (1) any person aggrieved by the decision;
- (2) any officer, department, board, or bureau of the City; or
- (3) any taxpayer.

§ 17-303. When and how taken.

(a) *In general.*

The appeal must be taken within the time and in the manner required by law and the Maryland Rules of Civil Procedure.

(b) *Copy to Board and Administrator; notice to Solicitor.*

- (1) Before the appeal is filed with the court, the appellant must file a copy with the Board and the Zoning Administrator.
- (2) The Board must promptly notify the City Solicitor of the filing of every appeal.

§ 17-304. Stay of proceedings.

(a) *No automatic stay.*

An appeal does not stay the proceedings from which the appeal is taken.

(b) *Restraining order.*

On motion and hearing, the court may grant a stay on good cause shown, subject to the conditions of bond or otherwise that the court considers proper.

SUBTITLE 4. ENFORCEMENT BY CIVIL CITATION

§ 17-401. In general.

In addition to any other civil or criminal remedy or enforcement procedure, the following provisions of this article may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}:

- (1) § 2-402 {"Use permit required"}.
- (2) § 3-107 {"Prohibited uses — storage, etc., of vehicles"}.

§ 17-402. Process not exclusive.

The issuance of an environmental citation to enforce the provisions listed in § 17-401 {"In general"} of this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

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SUBTITLE 5. CRIMINAL PENALTIES

PART I. IN GENERAL

§ 17-501. Prohibited conduct.

No person may:

- (1) violate any provision of this article or of any notice or order issued under this article;
- (2) refuse, neglect, omit, or otherwise fail to comply with any provision of this article or of any notice or order issued under this article; or
- (3) resist the enforcement of any provision of this article or of any notice or order issued under this article.

§ 17-502. Violation a misdemeanor.

Any person who violates, fails to comply with, or resists the enforcement of any provision of this article or of any notice or order issued under this article is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this subtitle.

§ 17-503. Each day after notice a separate offense.

Each day that a violation continues after written notice from the Zoning Administrator constitutes a separate offense.

§§ 17-504 to 17-505. {Reserved}

PART II. PENALTIES ENUMERATED

§ 17-506. Basic penalty: \$500.

Except as otherwise specified in this subtitle, the penalty for a violation is a fine of not more than \$500 for each offense.

§ 17-507. Failure to obtain use permit: \$500 and 30 days.

For occupying or using any land or structure in violation of § 2-402 {"Use permit required"} of this article after written notice from the Zoning Administrator, the penalty is a fine of not more than \$500 or imprisonment for not more than 30 days or both fine and imprisonment for each offense.

§ 17-508. Alcoholic beverage advertising signs: \$1,000.

For violating any provision of § 11-207 {"Alcoholic beverage advertising signs"} of this article, the penalty is a fine of not more than \$1,000 for each offense.

§ 17-509. Cigarette advertising signs: \$1,000.

For violating any provision of § 11-208 {"Cigarette advertising signs"} of this article, the penalty is a

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fine of not more than \$1,000 for each offense.